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4-28-99**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**MATTHEW J. LEADER, and JEFFREY A.  
GRAVES**

Serial No: 08/648,676

Filed: 5/16/96

For: **A SENSOR CARTRIDGE  
FOR A FLUID ANALYTE  
ANALYZER**

GROUP ART UNIT: 1102

EXAMINER: T. Tung

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 CFR 1.321(b) and (c))**

SendX Medical, Inc. represents that it is a corporation with an address of 1945 Palomar Oaks Way, Carlsbad, CA 92009. It is the owner of all right, title and interest in and to the above-identified application and the invention claimed therein.

It is also the owner of all right, title and interest in and to U.S. Patent Applications No.: 08/648,675.

On behalf of SendX Medical, Inc., I hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application 08/648,675. I hereby agree that any patent so granted on this application will be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on this application and is binding upon the grantee, its successors or assigns.

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For submissions on behalf of SendX Medical, Inc., the undersigned (whose title is supplied below) is empowered to act on behalf of SendX Medical, Inc.

In making the above disclaimer, I do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge Deposit Account No. 02-0460 the amount of \$110.00, to cover the terminal disclaimer fee in accordance with 37 CFR 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date:

April 5, 1999

  
Freling E. Baker

Attorney for Applicant  
SendX Medical, Inc.